

**DURHAM, NORTH CAROLINA
MONDAY, OCTOBER 18, 2004
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Absent: None.

Also present: Interim City Manager Patrick Baker, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation and the Pledge of Allegiance led by Council Member Clement.

Mayor Bell read a Resolution Recognizing DATA Driver Steve Satterfield for his courageous actions during an automobile accident on September 18, 2004. Also, Rich Rogers of MV Transportation presented Steve Satterfield with the MV Cares Award for his outstanding service.

The Mayor recognized Boy Scouts Troop #46.

Council Member Clement thanked everyone who expressed concern during his illness and made comments on the medical resources available in Durham.

Council Member Catotti reminded everyone that early voting is open in Durham.

Mayor Pro Tempore Cole-McFadden congratulated Steve Satterfield and recognized City employees for working with our youth in the community during the weekends.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. Interim City Manager Baker noted Item #28 [Assessment Rolls] was inadvertently placed under GBA and should be on the Consent Agenda. He requested that GBA 39 [15 Single Family Units – Barnes Avenue Redevelopment] and 40 [Condominium Units – Barnes Avenue Redevelopment Project] be referred back to the administration for re-bidding.

MOTION by Council Member Catotti seconded by Mayor Pro Tempore Cole-McFadden to accept the City Manager's priority items was approved at 7:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: SETTING PUBLIC HEARINGS FOR THE CONFIRMATION OF
ASSESSMENT ROLLS**

MOTION by Council Member Catotti seconded by Mayor Pro Tempore Cole-McFadden to adopt resolutions setting public hearings for November 1, 2004 for the following assessment rolls was approved at 7:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore

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Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None.
Absent: None.

Sewer Main on Broad Street from Murray Avenue to North Property Line of Tax Map 326-02-005; and

Sewer Main on Cook Road from Harmony Road to Juliette Drive;

Water Main on Fenimore Street from Chandler Road to West Property Line of Tax Map 387-1-64; and

Sewer Main on Stephens Lane from North Property Line of Tax Map 830-1-25 to North Property Line of Tax Map 830-2-13.

SUBJECT: CONSTRUCTION OF FIFTEEN SINGLE-FAMILY UNITS - BARNES AVENUE REDEVELOPMENT PROJECT

To authorize the City Manager to execute a contract with Hairston Enterprise for the construction of fifteen single-family units for the Barnes Avenue Redevelopment project, in an amount of \$1,411,125; and

To establish a contingency fund for the construction of fifteen single-family units for the Barnes Avenue Redevelopment project in the amount of \$141,000; and

To authorize the City Manager to execute any necessary change orders for the Barnes Avenue Redevelopment project contract provided the total cost of all change orders does not exceed \$141,000 and that the total project cost does not exceed \$1,552,125; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council.

MOTION by Council Member Catotti seconded by Mayor Pro Tempore Cole-McFadden to refer this item back to the administration was approved at 7:15 p.m. by the following vote:
Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: CONSTRUCTION OF CONDOMINIUM UNITS - BARNES AVENUE REDEVELOPMENT PROJECT

To authorize the City Manager to execute a contract with Hairston Enterprise for the construction of sixteen condominium units for the Barnes Avenue Redevelopment project, in an amount of \$1,338,240; and

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To establish a contingency fund for the construction of sixteen condominium units for the Barnes Avenue Redevelopment project in the amount of \$138,000; and

To authorize the City Manager to execute any necessary change orders for the Barnes Avenue Redevelopment project contract provided the total cost of all change orders does not exceed \$138,000 and that the total project cost does not exceed \$1,476,240; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council.

MOTION by Council Member Catotti seconded by Mayor Pro Tempore Cole-McFadden to refer this item back to the administration was approved at 7:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

There were no priority items from the City Attorney.

City Clerk Gray swore in Arcenia Wiggins-Owens as a member of the Citizens Advisory Committee.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. No items were pulled from the Consent Agenda.

MOTION by Council Member Clement seconded by Council Member Stith to approve the Consent Agenda was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES

MOTION by Council Member Clement seconded by Council Member Stith to approve City Council minutes for the following meetings; and

September 9, 2004 - Special Meeting
September 20, 2004 - Special Meetings
September 20, 2004 - Regular Meeting

To approve City Council action taken at the September 9, 2004 City Council Work Session was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

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**SUBJECT: MULTI-JURISDICTIONAL ADVISORY BOARD – RECEIPT AND
ACCEPTANCE OF AN APPLICATION**

MOTION by Council Member Clement seconded by Council Member Stith to receive and accept an application for a citizen to fill one (1) vacancy for a community representative--term will expire April 1, 2007 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: CONTRACTS

MOTION by Council Member Clement seconded by Council Member Stith to authorize the City Manager to execute contracts on the list; and

To authorize the City Manager to make changes to the contracts on the list before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contracts was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Contractor	Contract Description	Dept	CT Amount
Christopher Chamis	Sound Tech at Senior Holiday Party	P&R	\$150.00
Peter Ifamose	Soccer Official	P&R	\$2,500.00
Alissa Price	Soccer Official	P&R	\$2,500.00
Wayne Poole	Hallow-Eno Performer	P&R	\$150.00
The Scrap Exchange	Creative Activities for Hallow-Eno	P&R	\$525.00
Martin & Company	Appraisal of 211 Rigsbee Ave	Gen Ser	\$2,500.00
Michael Prodan	Domestic Violence Course Instruction	Police	\$1,300.00
Mondora Griggs	Basic School Age Care for Staff working in After School Programs	P&R	\$1,875.00
John Ott & Associates	City Council Retreat & Performance Measurement	Budget	\$11,375.00
LPSC Cleaning Service	CT Extension- Janitorial Service Housing Dept	Finance	\$12,744.00
Council for Senior Citizens	Programs & Services for Senior Citizens in Weed & Seed Communities	Housing	\$3,000.00
Borden & Tolley	Appraisal for Holton School Site	Gen Ser	\$2,700.00

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SBC Data Comm	Cisco Equipment Maintenance	TS	\$18,711.05
Consumer Credit Counselors	Budget Counseling for WIA Participants	OEED	\$2,000.00

SUBJECT: BID REPORT - AUGUST 2004

MOTION by Council Member Clement seconded by Council Member Stith to receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of August 2004 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

CITY OF DURHAM NORTH CAROLINA

September 30, 2004

MEMO TO: Patrick Baker, Interim City Manager

THROUGH: Kenneth C. Pennoyer, Finance Director

FROM: Joseph W. Clark, Purchasing Manager

SUBJECT: Bid Report

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of August 2004.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

1. Bid: Estimated Annual Requirements for Sodium Chloride (Snow Salt)

Purpose of Bid: To provide the Public Works/Street Maintenance Division with Snow Salt (1,000 tons)

Comments:

Opened: August 6, 2004

Bidders:	International Salt	*\$59,130.00
	Clarks Summitt, PA	\$59.13/ton
	Morton Salt	\$67,920.00
	Chicago, IL	\$67.92/ton
	North American Salt	\$70,260.00
	Overland Park, KS	\$70.26/ton

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*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	63		# Black Males	9	14%
Total # Females	17	27%	# White Males	33	53%
Total # Males	46	73%	# Other Males	4	6%
			# Black Females	0	0%
			# White Females	17	27%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

2. Bid: Surveillance Pole Camera Video

Purpose of Bid: To purchase a surveillance pole camera for the Police Department

Comments: Grant money is being used to purchase this equipment and supplies. This is the only distributor in the state of North Carolina that can sell this equipment.

Opened: N/A

Bidders: Federal Equipment Distributors *\$20,575.00
 Raleigh, NC

*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	20		# Black Males	2	10%
Total # Females	9	45%	# White Males	7	35%
Total # Males	11	55%	# Other Males	2	10%
			# Black Females	2	10%
			# White Females	6	30%
			# Other Females	1	05%

LOCATION OF PERFORMING CONTRACT
Raleigh, NC

Total Workforce	1		# Black Males	0	0%
Total # Females	0	0%	# White Males	1	100%
Total # Males	1	100%	# Other Males	0	0%
			# Black Females	0	0%

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# White Females	0	0%
# Other Females	0	0%

3. Bid: One (1) 4-Wheel Drive Sidewalk Vacuum Machine

Purpose of Bid: To provide the Street Cleaning Division with a Sidewalk Vacuum Machine.

Comments:

Opened: August 26, 2004

Bidders:	Carolina Industrial Equipment, Inc.	* \$38,985.00
	Charlotte, NC	
	Florida Municipal Equipment, Inc.	\$40,680.00
	Lakeland, FL	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	17		# Black Males	0	0%
Total # Females	3	18%	# White Males	13	76%
Total # Males	14	82%	# Other Males	1	6%
			# Black Females	0	0%
			# White Females	3	18%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

4. Bid: Thermal Imaging Camera

Purpose of Bid: To provide the Fire Department with a Thermal Imaging Camera

Comments:

Opened: January 30, 2004

Bidders:	Newton's Fire & Safety	* \$12,500.00
	Sweptonsville, NC	
	Abatix Corporation	\$12,968.40
	Phoenix, AZ	

*Awarded based on: X Low Bid _____ Other (See Comments)

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WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	10		# Black Males	0	0%
Total # Females	1	10%	# White Males	9	90%
Total # Males	9	90%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	10%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

5. **Bid:** **Trend Micro Neat Suite protection software**

Purpose of Bid: To provide the Technology Solutions Department with Trend Micro Neat Suite protection software.

Comments: Trend Micro™ NeatSuite™ is a fully integrated, centrally managed suite of products designed to protect virtually every access point in the enterprise. NeatSuite offers virus protection for virtually every point on the network — InterScan Messaging™ Security Suite and InterScan™ Web Security Suite for gateway protection, ScanMail™ for Microsoft™ Exchange with eManager or ScanMail™ for Lotus Notes™ with eManager for mail servers, ServerProtect™ for Microsoft Windows/NetWare and Linux™ for enterprise-class servers, and OfficeScan™ for desktops, all of which are centrally managed by Trend Micro Control Manager™. The result is a powerful, multi-layered defense system that protects the corporate network against viruses and other malicious code.

Opened: August 5, 2004

Bidders:	Florida Micro, LLC	* \$48,765.00
	Wake Forest, NC	
	Prosys Information Systems	\$49,365.00
	Morrisville, NC	
	Software House International	\$50,535.00
	Raleigh, NC	
	CDW Government	\$52,185.00
	Vernon Hills, IL	
	SDF Professional Computer Service	\$52,335.00
	Greenville, NC	
	40 East Technology	\$178,500.00
	Wallace, NC	

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*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	15		# Black Males	0	0%
Total # Females	2	13%	# White Males	13	87%
Total # Males	13	87%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	13%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

6. **Bid:** **Sandblast and Paint the #1 Primary Clarifier at the NDWRF**

Purpose of Bid: To repair the #1 Primary Clarifier at the NDWRF

Comments:

Opened: August 27, 2004

Bidders:	Southern Paint & Waterproofing Greensboro, NC	* \$16,880.00
	Structural Coatings, Inc. Clayton, NC	\$16,999.00
	Saffo Contractors Wilmington, NC	\$27,500.00
	DT Painting Chesterfield, VA	\$37,000.00
	Superior Industrial Maintenance Company Harrisburg, NC	\$45,293.00

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	38		# Black Males	9	24%
Total # Females	3	7%	# White Males	7	19%
Total # Males	35	93%	# Other Males	19	50%
			# Black Females	0	0%
			# White Females	2	6%
			# Other Females	1	3%

The SDBE Data Base was used in the solicitation of bids for this item.

7. **Bid:** **Self-Contained Leaf Vacuum**

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Purpose of Bid: To provide the Street Cleaning Division with a self-contained leaf vacuum.

Comments:

Opened: August 30, 2004

Bidders:	Old Dominion Brush Company	* \$42,250.00
	Richmond, VA	
	T & W Equipment Brokers, Inc.	\$45,000.00
	Ontario, Canada	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	108		# Black Males	16	15%
Total # Females	9	8%	# White Males	50	46%
Total # Males	99	92%	# Other Males	33	31%
			# Black Females	0	0%
			# White Females	9	8%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

8. Bid: Four Industrial Zero Turn Mowers

Purpose of Bid: To provide the Cemetery Division with mowers.

Comments:

Opened: August 30, 2004

Bidders:	Triad Lawn & Garden	* \$42,143.62
	High Point, NC	
	Steve's Lawn and Garden	\$42,467.50
	Oxford, NC	
	Barnhill Equipment Company	\$43,658.94
	Durham, NC	
	Wilson's Outdoor Power Equipment	\$43,836.78
	Raleigh, NC	
	Musgrave Auction	\$44,700.00
	Goldsboro, NC	

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*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	5		# Black Males	0	0%
Total # Females	1	20%	# White Males	4	80%
Total # Males	4	80%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	20%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (*).

JWC:lm

SUBJECT: SALE OF SURPLUS FIRE TRUCK, LADDER 12 - M & W FIRE APPARATUS

Council Member Best requested the administration to provide a listing of fire trucks.

MOTION by Council Member Clement seconded by Council Member Stith to accept the “high” bid from M & W Fire Apparatus in the amount of \$42,500 for the sale of a surplus Fire Vehicle, Ladder 12, 1989 Grumman Aerial Cat was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: STREET CLOSING (SC04-08)– SET HEARING ON THE CLOSING OF 472 LINEAR FEET OF STONE PARK COURT

MOTION by Council Member Clement seconded by Council Member Stith to adopt a resolution to set a public hearing on the proposed closing of 472 linear feet of Stone Park Court for November 1, 2004 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Resolution #9162

SUBJECT: STREET CLOSING (SC04-09) – SET HEARING ON THE CLOSING OF 279 LINEAR FEET OF CROSS PARK DRIVE

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MOTION by Council Member Clement seconded by Council Member Stith to adopt a resolution to set a public hearing on the proposed closing of 279 linear feet of Cross Park Drive for November 1, 2004 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Resolution #9163

SUBJECT: MAJOR SITE PLAN – THE ORIGINAL STEAKHOUSE & SPORTS THEATRE (D04-315)

MOTION by Council Member Clement seconded by Council Member Stith to approve a major site plan, submitted by Brockwell Associates, Inc., on behalf of The Original Steakhouse & Sports Theatre, to construct a 7,800 square foot restaurant on 0.366 acres of an existing shopping center, located on the west side of Westgate Drive, north of University Drive, south of U.S. 15-501, and is zoned GC, PIN 0810-01-16-0566, City Atlas: Page 28, A-1 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: SEWER EXTENSION AGREEMENT WITH ARTHUR DEBERRY & ASSOCIATES - 5102 CHAPEL HILL-DURHAM BOULEVARD

MOTION by Council Member Clement seconded by Council Member Stith to authorize the City Manager to enter into a Sewer Extension Agreement with Arthur Deberry & Associates to serve 5102 Chapel Hill-Durham Boulevard, Tax Map 477-1-4; PIN 0800-03-32-2913 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: SEWER EXTENSION AGREEMENT WITH GREG COLE CONSTRUCTION, INC. - OBERLIN DRIVE

MOTION by Council Member Clement seconded by Council Member Stith to authorize the City Manager to enter into a Sewer Extension Agreement with Greg Cole Construction, Inc. to serve Oberlin Drive, Tax Map 764-02-010, PIN 0803-03-44-9823 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: WATER & SEWER EXTENSION AGREEMENT AMENDMENT #1 WITH SHERRON ROAD VENTURES, L.L.C. - RAVENSTONE SUBDIVISION

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MOTION by Council Member Clement seconded by Council Member Stith to authorize the City Manager to enter into a Water and Sewer Extension Agreement Amendment with Sherron Road Ventures, L.L.C. to serve Ravenstone Subdivision was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: 2005 LEGISLATIVE PROGRAM

MOTION by Council Member Clement seconded by Council Member Stith to receive a report from the City Attorney concerning the 2005 Legislative Program; and

To approve the 2005 Legislative Program Calendar and the 2005 Legislative Program Areas of Responsibility was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: SALES & SERVICE TRAINING CENTER AT NORTHGATE, INC.
CONTRACT FOR \$100,000 IN WORKFORCE INVESTMENT ACT (WIA)
FUNDS**

MOTION by Council Member Clement seconded by Council Member Stith to adopt an Ordinance Amending the City of Durham Employment and Training Grant Project Ordinance No. 12977 for Federal Grant July 1, 2004 – June 30, 2006; and

To authorize the City Manager to execute a contract with the Sales & Service Training Center at Northgate, Inc. in the amount of \$100,000 to provide sales and service training to 50 WIA eligible Durham residents; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Ordinance #13013

**SUBJECT: GRANT PROJECT ORDINANCE AMENDING ORDINANCE 12928 FOR
2003 WIA FEDERAL EMPLOYMENT FUNDS**

MOTION by Council Member Clement seconded by Council Member Stith to adopt an Ordinance Amending the City of Durham Employment and Training Grant Project Ordinance No. 12928 for Federal Grant July 1, 2003 – June 30, 2006, with the purpose of incorporating

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\$124,481 in additional Federal Employment and Training grant funds into the 2003-2006 City Employment and training budget for a new total of \$2,282,876 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Ordinance #13014

SUBJECT: GRANT PROJECT ORDINANCE AMENDING ORDINANCE 12884 FOR 2002 WIA FEDERAL EMPLOYMENT FUNDS

MOTION by Council Member Clement seconded by Council Member Stith to adopt an Ordinance Amending the City of Durham Employment and Training Grant Project Ordinance No. 12884 for Federal Grant July 1, 2002 – June 30, 2006 for the purpose of incorporating \$29,773 in additional Federal Funds into the 2003-2006 Employment and Training Budget for a total of \$1,188,909 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Ordinance #13015

SUBJECT: CONTRACT FOR REIMBURSEMENT OF COSTS INCURRED FOR LAW ENFORCEMENT ASSISTANCE AND ACCOMPANYING GRANT PROJECT ORDINANCE - CITY OF DURHAM AND TOWN OF CHAPEL HILL

MOTION by Council Member Clement seconded by Council Member Stith to authorize the City Manager to execute the contract for Reimbursement of Costs Incurred for Law Enforcement Assistance; and

To approve the Grant Project Ordinance for the City of Durham and Town of Chapel Hill for Temporary Law Enforcement Assistance During Halloween was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Ordinance #13016

SUBJECT: CONTRACT EXTENSION – SANITARY SEWER FLOW MONITORING NETWORK IMPROVEMENTS - ADS ENVIRONMENTAL SERVICES

MOTION by Council Member Clement seconded by Council Member Stith to authorize the City Manager to execute a contract extension with ADS Environmental Services for the Sanitary Sewer Flow Monitoring Network Improvements for a period of 5 years for a total \$825,716; and

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To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: ERP STORAGE AREA NETWORK - 4FRONT SYSTEMS INC.

MOTION by Council Member Clement seconded by Council Member Stith to authorize the City Manager to execute a contract with 4Front Systems Inc. in the amount of \$279,011 for the purchase, installation, training and maintenance of a Storage Area Network; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: RALEIGH-DURHAM AIRPORT AUTHORITY

MOTION by Council Member Clement seconded by Council Member Stith to receive a presentation in review of airport activities, including new air service, customer service programs and upcoming projects was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: TRIANGLE TRANSIT AUTHORITY

MOTION by Council Member Clement seconded by Council Member Stith to receive a presentation on the design selection for the Downtown Durham Regional Rail Station was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: UPDATE ON THE REDEVELOPMENT OF BARNES AVENUE AREA

MOTION by Council Member Clement seconded by Council Member Stith to receive an Update on the Redevelopment of Barnes Avenue Area was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

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SUBJECT: 2005 EMPLOYEE BENEFITS RECOMMENDATIONS

MOTION by Council Member Clement seconded by Council Member Stith to receive a presentation and approve the 2005 Benefits Recommendations was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: PRINCESS GIBSON

To receive comments from Princess Gibson regarding the harassment from the Fraternal Order of Police.

Note: This item was referred back to the administration.

SUBJECT: THE VILLAGES OF CORNWALLIS

MOTION by Council Member Clement seconded by Council Member Stith to receive comments from Brenda Howerton concerning rezoning property on Cornwallis Road was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: JACK DURANT

MOTION by Council Member Clement seconded by Council Member Stith to receive comments from Jack Durant regarding receiving notices of violations from the Planning Department was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: OLD FARM NEIGHBORHOOD ASSOCIATION

To receive comments from Fred Foster, Jr. requesting a sub-police station and a recreational center for the use of Old Farm and River Forest Neighborhoods.

Note: This item was referred to the administration.

**SUBJECT: AMERICAN CAMPUS, LLC DATA SITE OPTION EXTENSION TO
FEBRUARY 10, 2005**

To approve the Option Extension; and

October 18, 2004

To authorize the City Manager to execute the amended Option Agreement with ACL; and

To authorize the City Manager to modify the agreement before execution provided that the modifications do not increase the dollar amount of the agreement and the modifications are consistent with the general intent of the existing version of the agreement.

Note: This item was approved at the 10/7/04 Work Session with a vote of 5/0.

SUBJECT: J & R CHARTER, INC. CONTRACT

To authorize the City Manager to enter into a contract with J & R Charter, Inc. to provide transportation services for the mature adults' trip to the NC State Fair on October 19, 2004 in an amount not to exceed \$1,200 provided the contract meets the City's contract compliance requirements; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council.

Note: This item was approved at the 10/7/04 Work Session with a vote of 5/0.

[GENERAL BUSINESS AGENDA]

SUBJECT: BUDGET AMENDMENT TO CARRYOVER FUNDS FROM FY 2003-04 TO FY 2004-05

Budget Director Julie Brenman made comments on this item.

Economic Development Director Alan DeLisle noted his department saved \$16,000 last year and asked that it be rolled into this current year's budget to expand and enhance the existing special events programs for downtown.

Mayor Pro Tempore Cole-McFadden asked staff to extend some of those events outside of downtown so that people who live not in the heart of Durham can also participate.

MOTION by Council Member Clement seconded by Council Member Stith to adopt an Ordinance Amending the 2004-05 City of Durham Budget Ordinance, the same being Ordinance 12961 was approved at 7:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement and Stith. Noes: Council Member Best. Absent: None.

Ordinance #13017

October 18, 2004

SUBJECT: DURHAM HOUSING AUTHORITY – RECEIPT AND ACCEPTANCE OF APPLICATIONS

To receive and accept applications for citizens to fill one (1) vacancy on the Durham Housing Authority with a term to expire on September 28, 2009.

Mayor Bell asked that appointments be withheld until HUD has completed its investigation. The Mayor made comments on a meeting he had with HUD noting they prefer to have access to the existing DHA members during the investigation which should be completed in November. Also, he asked the City Clerk to see if Ms. Rogers would continue to serve until after the HUD audit.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to withhold making an appointment to the Durham Housing Authority until after the HUD audit is received and to direct the City Clerk to ask Deloris Rogers if she would continue to serve on the Durham Housing Authority until that time was approved at 7:32 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Mayor Bell made comments on the applications received for this item.

City Clerk Gray noted Council asked that she advertise the vacancy for an additional three weeks and the deadline was September 17.

Council Member Best made comments on keeping the application period open.

Council Member Stith expressed a concern with leaving an open date for people whom have expressed an interest already after a three-week extension.

MOTION by Council Member Clement seconded by Council Member Stith to hold applications in abeyance for the Durham Housing Authority until after the HUD audit was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement and Stith. Noes: Council Member Best. Absent: None.

SUBJECT: PROPOSED CONDEMNATION OF PROPERTY FOR TURN LANES ON HIGHWAY 98; GANYARD FARM, LLC

Sandra Harper, of the Real Estate Division, gave an update on the condemnation for the turn lane on Highway 98. She noted two property owners [Jesse D. Cash, Jr. and the River of Joy Worship Center] have settled with the developer. However, the deed for the River of Joy Worship Center has not been recorded. Ms. Harper stated Mr. Bahna has not settled with the developer and is proceeding to get additional appraisals.

October 18, 2004

Mohsen Bahna noted he refused the offer by the developer because his property value is worth more. He asked that he be treated fairly and requested an extension to have another appraisal.

Lou Goetz spoke in support of this item. He made comments on the appraisals conducted and noted the right-of-way is needed for the project and public safety.

Council Member Stith made comments on the deed that has not been recorded.

Council Member Brown spoke in support of this item commenting on the safety issue surrounding this project.

MOTION by Council Member Brown seconded by Council Member Stith to adopt a “Resolution Authorizing Condemnation of Property for the Highway 98 Turn-lane Project”; and

To authorize Ganyard Farm, LLC to settle the condemnation action(s) by payment from its funds of whatever additional sum(s) that Ganyard Farm, LLC finds to be satisfactory on terms and conditions acceptable to Ganyard Farm, LLC and the City Manager in consultation with the City Attorney, provided all monies are paid by Ganyard Farm, LLC; and

To authorize the City Manager to execute the Agreement between Ganyard Farm, LLC and the City of Durham on Payment of Eminent Domain Expenses; and

To authorize the City Manager to modify the agreement before execution provided that the modifications do not increase the dollar amount of the agreement and the modifications are consistent with the general intent of the existing version of the agreement was approved at 7:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Clement and Stith. Noes: Council Member Catotti. Absent: None.

Resolution #9164

SUBJECT: POLICE ROTATION WRECKER DISPATCH FEE REDUCTION

To adopt a “Resolution Amending Wrecker Dispatch Fee”.

Major Ron Hodge, of the Police Department, spoke in opposition to this resolution noting it would reduce their revenue by \$31,500.

Council held discussion on staff positions, tow contractors, rotation list, fee charged to tow contractors, cost for towing vehicles, unclaimed/abandon vehicles and wrecker dispatch fee reduction.

Lee Gardner, of 3623 Pleasant Green Road, spoke in support of this item. He asked that the fee be reduced from \$10 to \$3 while they work on a program with the Police Department.

October 18, 2004

Council Member Clement noted a Towing Subcommittee Meeting has been scheduled for November 4 to come up with a resolution concerning this matter.

A motion was made by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to refer this item to the November 4, 2004 Work Session.

A friendly amendment was made by Council Member Catotti to refer this item to the November 18th Work Session to allow time for staff review. The friendly amendment was accepted.

Council Member Best made comments on an item being added to the legislative program to recoup costs.

Council Member Brown asked the Towing Subcommittee to analyze how other municipalities treat this issue and the fees they charge.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to refer this item to the November 18, 2004 Work Session was approved at 8:12 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: ADDITIONAL EXTENSION TO FEBRUARY 10, 2005 OF AMERICAN CENTER FOR THE PERFORMING ARTS ASSOCIATES STATUS AS PREFERRED DEVELOPER FOR THE EVENTS CENTER PROJECT

Economic Developer Director Alan DeLisle made comments on this item. He noted the extension would give staff and the development team more time to select an operator and the deadline for soliciting operators is October 26, 2004.

Josh Parker, of 212 N. Duke Street, stated he is not convinced that a theatre is the right economic development catalyst for Durham and there are a lot of other needs and priorities. He urged Council to allow public comment until February if this item is approved.

Caleb Southern, of 604 W. Morgan Street, noted this has been a flawed process from the beginning and a risky proposal. He urged Council to stop this process, find a better use for the hotel occupancy tax and to deny this extension.

Michael Bacon, 912 Rosehill Avenue, outlined three options for this matter and urged Council to not pull out now, but figure out something to do with the hotel occupancy tax.

Mayor Bell made comments on the process. He discussed the public meetings that have been scheduled, the meeting with American Dance Festival today in which they expressed support for the project. The Mayor also spoke in support of the extension and seeking legislation to move forward with this project.

Council Member Best made comments on the preferred developers, operators, RFP and ADF.

October 18, 2004

Economic Development Director Alan DeLisle noted co-developers are Garfield Traub Developments, Philip Szostak and Turner Construction. He noted the administration has received operator interests from four/five different entities.

Mayor Bell noted he asked Alan DeLisle to share with the prospective operators concerns voiced by the Carolina Theatre.

MOTION by Council Member Clement seconded by Council Member Brown to authorize the City Manager to execute a Memorandum of Understanding with American Center for the Performing Arts Associates extending their preferred developer status for an additional four months to February 10, 2005 was approved at 8:37 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

[GENERAL BUSINESS AGENDA – PUBLIC HEARINGS]

**SUBJECT: TIME WARNER CABLE TELEVISION FRANCHISE AGREEMENT
EXTENSION TO OCTOBER 31, 2005**

Martha Lester-Harris, of Technology Solutions, gave a summary of this item. She noted some progress has been made on the franchise and commented on the new draft document from Time Warner.

Mayor Bell opened the public hearing.

Rev. James Vaughan, of 3206 Cole Mill Road, spoke in support of this extension. He asked Council to re-appoint him as a member of the Cable TV Advisory Board since he has already served two consecutive terms.

Mayor Bell declared the public hearing closed.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Best to receive public comments on the Time Warner Cable Television Franchise Agreement Extension; and

To adopt an ordinance to extend the cable television franchise agreement through October, 31, 2005, granted by Ordinance Number 9172, as amended by Ordinance Numbers 12106, 12274, 12498, 12679, and 12882 was approved at 8:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Ordinance #13018

October 18, 2004

Council Member Clement spoke in support of re-appointing Rev. James Vaughan to the Cable TV Advisory Board for another term.

City Clerk Gray informed Council that she had advertised for two positions on the Cable TV Advisory Board and received no applications. She noted Warren Herndon is eligible to reapply and Rev. Vaughan was not eligible because he served two consecutive terms.

Mayor Bell noted Council could choose to allow Rev. Vaughan to be eligible for a third term and made a suggestion that the City Clerk bring the re-appointment of Rev. Vaughan to the next work session.

MOTION by Council Member Clement seconded by Council Member Stith to direct the Clerk to bring the re-appointment of James Edward Vaughan for the Cable TV Advisory Board to the October 21, 2004 Work Session was approved at 8:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: STREET CLOSING (SC04-11) - 392.67 LINEAR FOOT PORTION OF BRANT STREET – NORTH CAROLINA CENTRAL UNIVERSITY REAL ESTATE FOUNDATION, INC. – WEST OF FAYETTEVILLE STREET AND EAST OF CONCORD STREET

City/County Planning Director Frank Duke briefed Council on the staff report.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to receive public comments; and

To adopt an order permanently closing a 392.67 linear foot portion of Brant Street was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Ordinance #13019

SUBJECT: STREET CLOSING (SC04-15)- A 196.52 LINEAR FOOT PORTION OF VANDORA DRIVE – THE JOHN R. MCADAMS COMPANY, INC. – SOUTH OF STONEGATE DRIVE AND EAST OF RANDOLPH ROAD

City/County Planning Director Frank Duke briefed Council on the staff report.

Mayor Bell opened the public hearing.

October 18, 2004

Michael Novak, of 3603 Stonegate Drive, spoke in support of this street closing.

Mayor Bell declared the public hearing closed.

MOTION by Council Member Stith seconded by Council Member Brown to receive public comments; and

To adopt an order permanently closing a 196.52 linear foot portion of Vandora Drive was approved at 8:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Ordinance #13020

SUBJECT: STREET CLOSING (SC04-13) – THE EASTERN 350 LINEAR FOOT PORTION OF KEATS AVENUE – DURHAM PUBLIC SCHOOLS – EAST OF BRIGGS AVENUE AND SOUTH OF E. MAIN STREET

City/County Planning Director Frank Duke briefed Council on the staff report.

Mayor Bell opened the public hearing.

Wayne Gornto, of 4120 Rogers Road, spoke in opposition to the closing of Keats Avenue.

City/County Planning Director Frank Duke noted the only portion the applicant is seeking to close is within the school campus. He noted Durham Public Schools did originally suggest closing the entire length of Keats Avenue, but backed away from that because of opposition from the community.

Council Member Stith expressed concern about the communication issue between the Durham Public Schools and the residents.

Mayor Bell declared the public hearing closed.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive public comments; and

To adopt an order permanently closing the eastern 350 linear foot portion of Keats Avenue was approved at 8:59 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Ordinance #13021

October 18, 2004

SUBJECT: LAND USE PLAN AMENDMENT (A04-01) – GROVE POINT – DONNIE CLARK – SOUTH SIDE OF NC 98, NORTHEAST OF NOBEL DRIVE AND WEST OF NICHOLS FARM DRIVE

To receive public comments on the Grove Point Plan Amendment (A04-01); and

To adopt a resolution to change the Land Use designation on the Future Land Use Map of the Southeast Durham Plan from Office to Low Density Residential.

Planning Department Recommendations: Approval
Planning Commission Recommendations: Denial (7-6)

City/County Planning Director Frank Duke briefed Council on the staff report. He noted staff is recommending approval of this item and the Planning Commission recommended denial.

Mayor Bell opened the public hearing.

Donnie Clark, the applicant, spoke in support of this plan amendment noting the long range plan is to build a subdivision.

Mayor Bell declared the public hearing closed.

MOTION by Council Member Stith seconded by Council Member Best to receive public comments on the Grove Point Plan Amendment (A04-01); and

To adopt a resolution to change the Land Use designation on the Future Land Use Map of the Southeast Durham Plan from Office to Low Density Residential was approved at 9:03 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Resolution #9165

There being no further business to come before the City Council, the meeting was adjourned at 9:03 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk